



## KENTUCKY STATE BOARD OF PHYSICAL THERAPY

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Rebecca E. Klusch  
Executive Director

### MINUTES OF MEETING November 14-15, 2007

Board Members Present: Debra Turner, PT, Chair  
Ron Barbato, PT  
Troy Grubb, PT  
Kristie Cochrane, PT  
Margaret Blain, PT  
Peggy Block, PT

Board Staff: Rebecca E. Klusch, Executive Director  
Board Agents: Mark Brengelman, Assistant Attorney General, Board Counsel

A meeting of the Kentucky State Board of Physical Therapy Complaint Committee was called to order at 1:00 p.m., Wednesday, November 14, 2007, at Board Office. Motion was made by Troy Grubb to go into closed session per KRS 61.810(1) (c) and (j), seconded by Debra Turner. All in favor 2/0. Motion was made by Troy Grubb to come out of closed session, seconded by Debra Turner. All in favor 2/0. The committee meeting adjourned at 2:00 p.m.

A meeting of the Kentucky State Board of Physical Therapy Complaint Committee was called to order at 2:00 p.m., Wednesday November 14, 2007, at Board Office. Motion was made by Ron Barbato to go into closed session per KRS 61.810(1) (c) and (j), seconded by Debra Turner. All in favor 2/0. Motion was made by Ron Barbato to come out of closed session, seconded by Ron Barbato. All in favor 2/0. The committee meeting adjourned at 4:30 p.m.

A meeting of the Kentucky State Board of Physical Therapy was called to order by Board Chair, Debra Turner, at 9:10 a.m., Thursday, November 15, 2007, at the Board office. A quorum was present.

Motion was made by Peggy Block, seconded by Kristie Cochrane to approve the minutes as amended of the September 20, 2007, Board Meeting. Motion carried.

#### Complaint Committee

The Court of Appeals ruled unanimously in favor of the Board in the lawsuit, *Kentucky Board of Physical Therapy v Dubin Orthopaedic Centre, P.S.C.* regarding violations of the term protection provisions of KRS Chapter 327. *Dubin Orthopaedic Centre, P.S.C.* filed a Discretionary Review to the Kentucky Supreme Court.

C2006-20 Case is ongoing.

C2007-01 *KSBPT v. Ron Cole, PT* - Hearing is scheduled for January 29-30, 2008, at the Board office.

C2007-06 Case is ongoing

C2007-30 Case is ongoing.

C2007-31 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed affidavit from Jason Freeman Moss, D.C., Occupational Kinetics. The Board approved the recommendation, seconded by Margaret Blain. All in favor 4/0. Complaint Committee members Ron Barbato and Debra Turner recused from voting.

C2007-34 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed affidavit from Jennifer Morse, Bluegrass Equine Physical Therapy, LLC. The Board approved the recommendation, seconded by Peggy Block. All in favor 4/0. Complaint Committee members Ron Barbato and Debra Turner recused from voting.

C2007-35 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of counsel, to dismiss case due to insufficient evidence of a violation of KRS 327. The Board approved the recommendation, seconded by Kristie Cochrane. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2007-36 Case is ongoing.

C2007-37 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to issue an Order and Notice of Immediate and Temporary Suspension of Kentucky License. The Board approved the recommendation, seconded by Peggy Block. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to approve the following 38 Settlement Agreements that were signed and dated involving continued competency violations. The recommendation was seconded by Troy Grubb. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

CE2007-63	Colby M. Allen, PT-004774	CE2007-78	Melissa Johnson, PT-004684
CE2007-40	Michelle Boeglin Hoffman, A02193	CE2007-52	Angela J. Kelly, A01085
CE2007-65	Dwight Allan Boles, PT-003699	CE2007-53	Joey Leigh Kelso, A01616
CE2007-68	Kenneth William Chatman, PT-003622	CE2007-80	Janelle Marsh, PT-004905
CE2007-42	Donna S. Cole, A01949	CE2007-56	Angela Sue Meek, A01615
CE2007-43	Rebecca Copass, A00350	CE2007-81	Patrick A. Meeker, PT-003533
CE2007-69	Kevin C. Covington, PT-002424	CE2007-82	Judith W. Meyer, PT-001111
CE2007-44	Jacqueline M. Cox, A00747	CE2007-84	James T. Mills, PT-002543
CE2007-45	Rodolfo Tom Dorantes, A02228	CE2007-85	Gina Cecilia Morris, PT-005025
CE2007-70	Cheryl Durant, PT-004680	CE2007-87	Richard Mulcahey, PT-001191
CE2007-72	Kerry M. Fox, PT-001899	CE2007-57	Shanna Ramey, A01101
CE2007-73	Nicole L. Fry, PT-004231	CE2007-90	Tracey L. Reinecke, PT-004051
CE2007-47	Donna Harris, A02016	CE2007-91	Brenda Robertson, PT-002193
CE2007-48	Robert Nathan Holm, A00663	CE2007-92	Margaret S. Schulte, PT-000703
CE2007-49	Robert Lee Hoster, A01076	CE2007-59	Walter Stephens, A01534
CE2007-75	Rebecca L. Huber, PT-004916	CE2007-60	LaDonna Umstead, A00649
CE2007-50	Kathy R. Huffine, A00117	CE2007-93	Melissa Veneracion, PT-003911
CE2007-76	Regina Diane Hughes, PT-001929	CE2007-61	Barry D. Walker, A00589
CE2007-51	Angela Jeffries, PTA- A01839	CE2007-95	Jason Zeitz, PT-004951

The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to issue a Notice of Administrative Hearing and Show Cause Order to CE2007-38, CE2007-39, CE2007-41, CE2007-46, CE2007-58, CE2007-62, CE2007-64, CE2007-79, CE2007-83 and CE2007-88. Settlement Authority was given to Board Counsel. Hearing date has been scheduled for January 17, 2008. The Board approved the recommendation, seconded by Troy Grubb. Motion carried. Complaint Committee members Troy Grubb and Debra Turner recused from voting.

CE2007-105 The Complaint recommended to the full Board to file a Notice of Administrative Hearing and Order who failed to comply with the continued competency audit after the Board granted a six month extension. The Board approved the recommendation, seconded by Troy Grubb. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2007-96 Case is ongoing.

C2007-97 Case is ongoing.

C2007-98 Case is ongoing.

C2007-99 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of counsel, to dismiss case due to insufficient evidence of a violation of KRS 327. The Board approved the recommendation, seconded by Troy Grubb. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2007-101 The Complaint Committee recommended to the full Board upon summary of the matter, with assistance of counsel, to dismiss case due to insufficient evidence of a violation of KRS 327. The Board approved the recommendation, seconded by Peggy Block. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2007-102 A, B, C, D, and E - Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation and authorize a Cease & Desist Affidavit to chiropractic offices A, B, C, and D. Office E did not show evidence of a violation. The Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

C2007-103 Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation and authorize a Cease & Desist Affidavit. The Board approved the recommendation, seconded by Troy Grubb. Motion carried. Complaint Committee members Debra Turner and Ron Barbato recused from voting.

BIC2007-104 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation upon evidence associated with C2007-06. The Board approved the recommendation, seconded by Margaret Blain. Motion carried. Complaint Committee members Debra Turner and Troy Grubb recused from voting.

### **Update on Monitoring Probations**

Update on monitoring probations were given for the following with approval: Charles Buster, PTA, Bruce Taylor, PT, and Shayne Ferguson, PT. Troy Grubb was appointed as monitor for Mark Portaro, PT.

### **Board and Administrative Business**

A motion was made by Troy Grubb, seconded by Ron Barbato, to approve an ACE award to Donna Sims in the amount of 10% of the midpoint range for her pay grade. Agency Revenue Funds are available. Motion carried.

The Board reviewed a letter from Angela Jeffries, PTA regarding her concerns with the Continued Education requirements.

A motion was made by Troy Grubb, seconded by Margaret to revise 201 KAR 22:020 Section 2(3) to reduce the HIV/Aids requirement from four to two hours for initial licensure.

## **Other Board Matters**

Ron Barbato made a report regarding the KPTA RFP (Referral for Profit) task force.

Margaret Blain, liaison to the KPTA, made a report on KPTA Board news.

Board members reviewed the lists of persons issued a license, certificate as well as examinees and reinstatements since the last meeting. Lists are attached to these minutes.

The Board reviewed the 2008-10 Budget and the year-to-date financial statement.

The revisions to KRS 327 were reviewed with Bob Sellin, KPTA president. Bob will present the revisions to the KPTA Board, as well as Leigh Ann Thacker, KPTA lobbyist, to get their approval to go forward to the 2008 Legislative Session.

A motion was made by Kristie Cochrane, seconded by Peggy Block, to approve Margaret Blain, Debra Turner and Becky Klusch to attend the FARB meeting in Santa Fe, New Mexico, January 25-27, 2008. Motion carried.

The CAPTSA seminar is scheduled for January 25-26, 2008, in Lexington, Kentucky. Board members who have not previously attended are encouraged to attend.

Board meetings for 2008 have been scheduled for the following dates:  
January 17, March 13, May 15, July 17, September 25, and November 20.

A motion was made by Ron Barbato, seconded by Kristie Cochrane, to adjourn the meeting at 3:15 p.m. Motion carried.

Respectfully submitted,

Rebecca E. Klusch  
Executive Director